

# **The Zoning Ordinance for the Town of Fountain Hills**

## **Chapter 10**

### **SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS: R-190, R1-43, R1-35, R1-35H, R1-18, R1-10, R1-10A, R1-8, R1-8A, R1-6, R1-6A**

#### **Sections:**

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### **Section 10.01 Purpose.**

The Single-Family Residential Districts are designed to provide for a wide range of single-family residential land use areas. The purpose of these Districts is to protect the stability of existing neighborhoods and to encourage desirable new residential developments, encompassing the many lifestyles and areas of the Town, from large lot development to cluster development. It is also the intent of these Districts to accommodate the needs of single-family residential neighborhoods by providing for associated, limited, non-residential uses, including religious, educational and recreational facilities. The Single-Family Residential Districts are further delineated in the following categories:

#### **A. Low-Density Residential Districts:**

1. **R-190. Single-Family Residential Zoning District - 190,000 Square Feet Per Dwelling Unit.** The principal purpose of the zoning district is to conserve and protect open space land uses, foster orderly growth in steep topography, and prevent urbanization of significant topographic areas with native desert vegetation. The primary purpose of requiring large minimum lots not less than one hundred ninety thousand (190,000) square feet in area is to discourage small lot or residential subdivisions where public facilities such as water, sewage disposal, parks, and playgrounds, and governmental services such as police and fire protection are not as readily available or could not reasonably be made available. Principal use permitted in this zoning district include both low-density single-family residential, recreational and institutional uses.
2. **R1-43. Single-Family Residential District - One Acre Per Dwelling Unit.** The principal purpose of this zoning district is to foster orderly low-density growth and prevent urban land use conflicts; but when governmental facilities and services, public utilities and street access are available, or can reasonably be made available, applications for change of this zoning district to any other single-family residential zoning district will be given favorable consideration.
3. **R1-35. Single-Family Residential Zoning District** - 35,000 Square Feet Per Dwelling Unit. The principal purpose of this Zoning District is to conserve and protect single-family residential development where minimum lots of not less than thirty-five thousand (35,000) square feet in area are suitable and appropriate, taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs, and the availability of public utilities. Principal uses permitted in this Zoning District include single-family dwellings, churches, schools, parks, playgrounds and other community facilities.
4. **R1-35H. Single-Family Residential Hillside Zoning District** - 35,000 Square Feet Per Dwelling Unit. The principal purpose of this Zoning District is to conserve and protect single-family residential development where minimum lots of not less than thirty-five thousand (35,000) square feet in area are suitable and appropriate, taking into consideration existing hillside conditions, including present use of land, present lot sizes, future land use needs, hillside preservation, and the availability of public utilities. Principal uses permitted in this Zoning District include single-family dwellings, churches, schools, parks, playgrounds and other community facilities.

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### B. Medium Density Residential.

1. **R1-18. Single-Family Residential Zoning District - 18,000 Square Feet Per Dwelling Unit.** The principal purpose of this Zoning District is to conserve and protect single-family residential development where minimum lots of not less than eighteen thousand (18,000) square feet in area are suitable and appropriate, taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs and the availability of public utilities. Principal uses permitted in this Zoning District include single-family dwellings, churches, schools, parks, playgrounds and other community facilities.
2. **R1-10. Single-Family Residential Zoning District - 10,000 Square Feet Per Dwelling Unit.** The principal purpose of this Zoning District is to conserve and protect single-family residential development where minimum lots of not less than ten thousand (10,000) square feet in area are suitable and appropriate, taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs, and the availability of public utilities. Principal uses permitted in this Zoning District include single-family dwellings, churches, schools, parks, playgrounds and other community facilities.
3. **R1-10A. Single-Family Residential Zoning District - 10,000 Square Feet Per Dwelling Unit.** The principal purpose of this Zoning District is to conserve and protect single-family residential development where minimum lots of not less than ten thousand (10,000) square feet in area are suitable and appropriate taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs and the availability of public utilities. Principal uses permitted in this Zoning District include single-family dwellings, churches, schools, parks, playgrounds and other community facilities.
4. **R1-8. Single-Family Residential Zoning District - 8,000 Square Feet Per Dwelling Unit.** The principal purpose of this Zoning District is to conserve and protect single-family residential development where minimum lots of not less than eight thousand (8,000) square feet in area are suitable and appropriate taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs, and the availability of public utilities. Principal uses permitted in this Zoning District include single-family dwellings, churches, schools, parks, playgrounds and other community facilities.
5. **R1-8A. Single-Family Residential Zoning District - 8,000 Square Feet Per Dwelling Unit.** The principal purpose of this Zoning District is to conserve and protect single-family residential development where minimum lots of not less than eight thousand (8,000) square feet in area are suitable and appropriate taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs and the availability of public utilities. Principal uses permitted in this Zoning District include single-family dwellings, churches, schools, parks, playgrounds and other community facilities.

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6. **R1-6. Single-Family Residential Zoning District - 6,000 Square Feet Per Dwelling Unit.** The principal purpose of this Zoning District is to conserve and protect single-family residential development where minimum lots of not less than six thousand (6,000) square feet in area are suitable and appropriate taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs and the availability of public utilities. Principal uses permitted in this Zoning District include single-family dwellings, churches, schools, parks, playgrounds and other community facilities.
7. **R1-6A. Single-Family Residential Zoning District - 6000 Square Feet Minimum Per Dwelling Unit.** The principal purpose of this Zoning District is to conserve and protect single-family residential development where minimum lots of not less than four thousand, five hundred (4,500) square feet in area are suitable. Additional useable open space within the platted subdivision must be provided, so that when the lot areas and the useable open space are combined, they will result in not less than six thousand (6,000) square feet in area per dwelling unit. This Zoning District may be designated in areas that are suitable and appropriate when taking into consideration the existing conditions, including present use of land, present lot sizes, future land use needs and the availability of public utilities. Principal uses permitted in this Zoning District include single-family dwellings, churches, schools, parks, playgrounds and other community facilities.

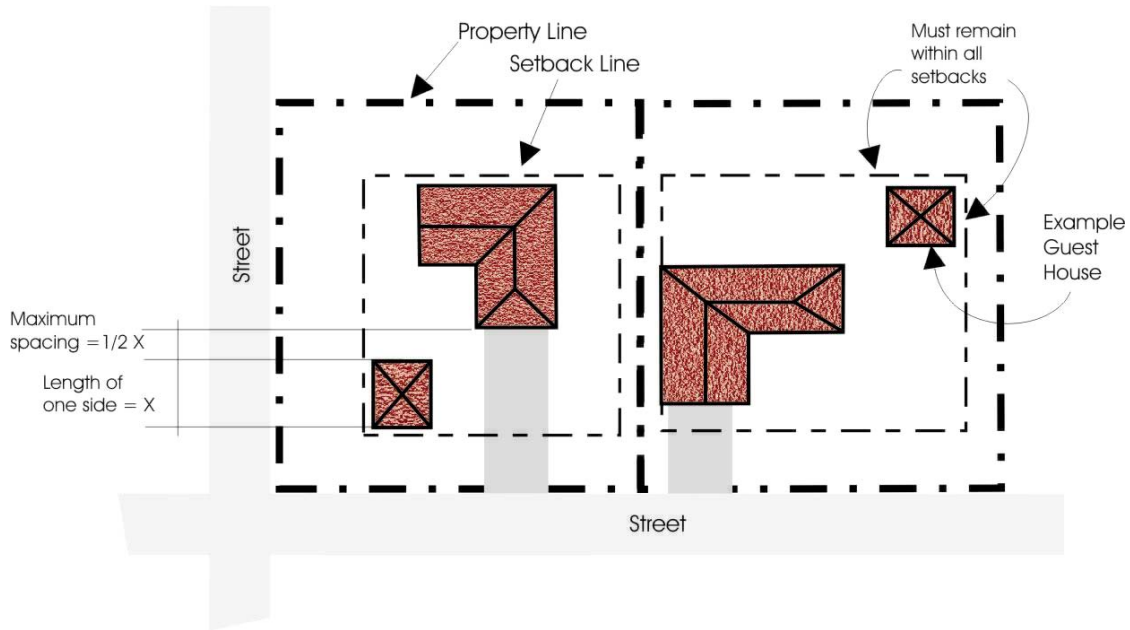
### **Section 10.02 Permitted Uses.**

- A. **In R-190, R1-43, R1-35, R1-35H, R1-18, R1-10, R1-10A, R1-8, R1-8A, R1-6, and R1-6A Zoning Districts,** a building or premises shall be used only for the following purposes:
  1. One (1) single-family dwelling per lot of record.
  2. Churches, including accessory columbaria provided that the building area of the columbaria shall not exceed ten (10) percent of the total building area of the church building(s).
  3. Public schools, kindergarten through the twelfth grade, and private schools with curricula substantially the same as customarily offered in public schools.
  4. Public and private forests and wildlife reservations.
  5. Utility Services, but not including offices, wastewater treatment plants, generating plants, and wireless communication towers and antennas, unless otherwise specifically permitted elsewhere in this ordinance.
  6. Publicly or privately owned or operated fire stations, and publicly owned or operated police stations and post offices.
  7. Golf courses including club houses located thereon, but not including miniature courses or practice driving tees operated for commercial purposes.
  8. Libraries, museums, parks, playgrounds, and community buildings, provided such uses are conducted on a non-profit basis.

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9. Home Occupations as prescribed in Section 5.14.
10. Home Day Care Center in an operator's residence, with no swimming pool, for five or less people, operation only between the hours of 6:00 A.M. and 8:00 P.M. No signage, or other evidence of a day care center is permitted. One additional off-street parking space is required.
11. Accessory buildings and uses customarily incidental to the above uses.
12. Group Homes for the Handicapped and Elderly Care, provided that:
  - a. No such home is located on a lot that is within one thousand - two hundred (1,200) feet, measured by a straight line in any direction of the exterior lot lines of another group home for the handicapped and elderly care;
  - b. No such home contains more than ten (10) residents;
  - c. Such home is licensed by the State of Arizona Department of Health Services.
  - d. Such home is registered with, and administratively approved by the Community Development Director or designee, as to compliance with the standards of this Ordinance.
13. Guest Houses, attached or detached, provided that:
  - a. Structure must conform to all minimum setback requirements.
  - b. An attached Guest House may be located in front of the primary structure if the Guest House is attached by a common wall.
  - c. A detached Guest House structure must be located no farther in front of the main structure than  $\frac{1}{2}$  the distance of any one side of the Guest House.
  - d. May not exceed thirty (30) percent of the square footage of the livable area of the primary structure.
  - e. Shall not exceed fifteen (15) feet in height.
  - f. A detached Guest House shall not contain any of the following:
    1. An attached garage
    2. Kitchen facilities (oven or stove).
  - g. Must be connected to primary structure's utilities, and shall not have 220 volt electrical service to any part or common wall, with the exception of a hardwired air conditioning unit.
  - h. May not be used for any commercial or non-residential uses.
  - i. May be appealed by Special Use Permit to Town Council.

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### B. Additional Permitted Uses in the R-190, R1-43, R1-35H, and R1-35 Zoning Districts

1. **Corrals** for the keeping of horses, provided such corrals are located in the rear yard, set back from all lot lines a distance of not less than forty (40) feet and contain at least twenty thousand (20,000) square feet of area for each horse kept therein. The keeping of horses on properties located in residential Zoning Districts in other than permitted corral areas is prohibited.

### Section 10.03 Uses Subject to Temporary Use Permit:

- A. **Day Care Center for the Care of More Than Five (5) People.** A day care center for the care of more than five (5) people is permitted by temporary use permit only. A day care center for the care of more than five (5) people may be operated in these Zoning Districts with the following minimal stipulations:

1. The Day Care Operator must reside in the house. If a non-residential facility is legally used for another purpose, such as a church building, this requirement may be waived.
2. No more than ten (10) non-residents may be cared for in a residential structure.
3. Only one non-resident employee may be allowed and one (1) additional on-site parking space shall be required for this employee.
4. One non-tandem parking space shall be required for each five (5) persons, or fraction thereof, allowed in the day care center.
5. Any operation of a Day Care Center prior to 6:00 A.M. and after 8:00 P.M. is permitted only by Special Use Permit.

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6. Only one sign not to exceed two (2) square feet in size and mounted flatly on the wall of the residence shall be permitted.
7. The play yard must be fenced with a minimum five (5) foot high fence.
8. No playground equipment and ornamental figures or designs denoting a Day Care Center shall be allowed in front of the house line.
9. Any Day Care Facility with a swimming pool or other applicable body of water as defined in Section 5.09.D. of this Ordinance must meet the requirements for a pool enclosure described in that Section.
10. Any Day Care Center which cares for more than five (5) people shall be licensed by the State of Arizona.

**B. Bed and Breakfast.** Bed and Breakfast operations may be permitted in these zones by Temporary Use Permit only. At a minimum the following standards shall apply.

1. No more than two (2) bedrooms per residence may be used for the business.
2. No more than two (2) persons per room.
3. One off-street, non-tandem parking space per bedroom.

**C. Model Homes.** Model Homes may be permitted in a residential area by Temporary Use Permit only. In the review for a model home, the staff, and if necessary, the Town Council, may consider lighting, landscaping, hours of operation, signage, parking, duration, and neighborhood impact. As a minimum, the following standards shall apply:

1. On-site sales personnel must be present at least five (5) days a week during normal business hours. In no case shall a model home be open before 7:00 A.M. or after 9:00 P.M.
2. The model home shall be for the purpose of marketing the construction of custom homes or a tract subdivision with a given product line in Fountain Hills. A model home may not be used as an office for the marketing of developed property, or the marketing of property outside of Fountain Hills.
3. An off-street parking stall for each person stationed on site, plus two spaces. Parking lots for model homes may be located on an adjacent lot owned by the owner of the model home.

**D. Master-Planned Village Sales and Information Center.** The developer of a master-planned village over 200 contiguous acres, may operate an information/sales facility within a residentially zoned area by temporary use permit only. In the review for a master-planned village sales/information center temporary use permit, the staff, and if necessary the Town Council, may consider lighting, landscaping, hours of operation, signage, parking, duration, and neighborhood impact. As a minimum, the following standards shall apply:

1. On-site sales personnel must be present at least five (5) days a week during normal business hours. In no case shall the center be open before 7:00 A.M. or after 9:00 P.M.

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2. The center shall be for the purpose of marketing the specific master-planned village and the distribution of material concerning the attributes of the Town and surrounding areas. The office may not be used as an office for the sales of houses, subdivisions with model homes, nor property outside of the master-planned village.
3. There shall be at least twenty (20) off-street parking stalls provided.
4. The center must be a permanent structure that meets the adopted building codes of the Town.
5. There shall be no more than one such center in the master-planned village.
6. The center shall be removed upon termination of the temporary use permit or the completion of the master developer's marketing activities, whichever comes first.
7. Signage shall in conformance with Chapter 6, Section 6.07 of this ordinance.
8. There shall be a landscape buffer of at least 150 feet between the sales and information center and any occupied residential structures.
  - a. Landscaped areas shall include an approved mixture of drought tolerant or other plant materials, and organic and non-organic ground cover materials. Landscaping shall consist of one plant for each 20 square feet of landscape area. At least twenty-five (25) percent of the plants shall be 15 gallon or greater plants and the remaining plants must be at least five gallon plants. The approval of the above mixture of landscape materials shall be by the Community Development Department staff with appeal to the Planning and Zoning Commission.
  - b. An automatic irrigation system shall be provided and maintained to all landscaped areas requiring water.
  - c. All landscaped areas adjacent to vehicular parking and access areas shall be protected by six (6) inch vertical concrete curbing in order to control storm water flows and minimize damage by vehicular traffic.

### **Section 10.04 General Provisions:**

The General Provisions in Chapter 5 herein shall apply.

### **Section 10.05 Signs:**

All signs shall comply with Chapter 6 herein.

### **Section 10.06 Parking Regulations:**

The parking regulations are as provided in Chapter 7 hereof.



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### **Section 10.07 Outdoor Lighting:**

All outdoor lighting shall conform to Chapter 8 herein.

### **Section 10.08 Plan Review.**

The provisions of Chapter 2, Section 2.04 shall apply.

### **Section 10.09 Density, Area, Building and Yard Regulations:**

The chart which follows specifies the minimum lot sizes, minimum lot width, maximum building heights, minimum yard setbacks, lot coverage percentages, and distance between buildings.

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## FOUNTAIN HILLS ZONING ORDINANCE SUMMARY

### SINGLE FAMILY DISTRICT

DISTRICT	AREA (SQ.FEET)	WIDTH (FEET)	BLDG HEIGHT (FEET)					LOT COVERAGE	DISTANCE BETWEEN BLDGS (FEET)
				MINIMUM YARD SETBACKS					
				FRONT	SIDE	STREET SIDE	REAR		
R1-190	190,000f	300g	30	60	30	60 d	60	5%	6
R1-43	43,560f	145g	30	40	30	40 d	40	15%	6
R1-35	35,000f	145g	30	40	20	20	40	20%	6
R1-35H	35,000f	145g	30	20	20	20 d	40	20%	6
R1-18	18,000f	120g	30	20	10	20 d	30	25%	6
R1-10	10,000f	80g	30	20	7	20 d	25	30%	6
R1-10A	10,000f	80 a, g	30	20	7	20 d	20	40%	6
R1-8	8,000f	80g	30	20	7	20 d	25	35%	6
R1-8A	8,000f	80 a, g	30	20bde	7	20 d	20	40%	6
R1-6	6,000f	60g	30	20	5	20 d	25	40%	6
R1-6A	6,000 c,f	60 a, g	30	20b	5	20 d	10	50%	6

- a. Flag lots permit a 30 foot width provided there are no more than 2 flag lots adjoining each other.
- b. A side entry garage is allowed a 10 feet setback.
- c. An approved p.u.d. permits lots no smaller than 4,500 square feet, provided there is 1,500 square feet of useable common open space per lot or a combination thereof. Lots larger than 4,500 square feet may have less than 1,500 square feet of common useable open space per lot if the combination of lot size and the common useable open space is at least 6,000 square feet per lot.
- c. Or building height, whichever is greater.
- d. A garage positioned at a 45 degree angle or greater from the front property line must setback at least 15 feet.
- f. Or a greater lot size to ensure consistency with existing platted lots in the immediate vicinity, as calculated pursuant to section 5.03 (b).
- g. Or a greater lot width to ensure consistency with existing platted lots in the immediate vicinity, as calculated pursuant to section 5.03 (b).